

Message

From: Lambert, Wesley [Lambert.Wesley@epa.gov]
Sent: 10/17/2018 6:51:33 PM
To: Purify, Johnnie [Purify.Johnnie@epa.gov]
Subject: Any Changes....

Please highlight any changes if any...

Wes

404 Assumption (Water)

- We continue to actively support the state in its efforts towards 404 assumption. EPA holds biweekly calls with FDEP to discuss the state's progress in developing a submittal package, and meets approximately every two months with FDEP in Tallahassee. The next in-person meeting is August 20-21.
- Key outstanding issues include FDEP rulemaking; ESA in permit reviews; identification of assumable/retained waters; permitting for projects that will take longer than the 5-year limit set out in the CWA statute; and FDEP's finalization of implementation procedures for their wetland delineation process.
- Before making their assumption request, Florida must pass a rule that will set up required program elements. The Florida rulemaking timeline and possible legal challenges to that rulemaking are currently driving the timeline.
- FDEP informed EPA staff that they may submit a package requesting state assumption of CWA 404 program administration in mid-November or December.
- Upon receipt of a complete request package, EPA's statutory review (up to 120 days) must include a public hearing, a 45-day public comment period, and consideration of comments received from the public, USACE, USFWS, and NMFS.